

**PATENT**

Atty Docket No.: 200208212-1  
App. Ser. No.: 10/608,151

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the following remarks. Claims 1-46 are pending in the present application of which claims 1, 15, 29, 32, 35 and 40 are independent.

Claims 1-46 have been subjected to a restriction requirement, and claims 2-3, 8, 14, 16-19, 20, 23-24, 37, and 39 are further subject to an election of species requirement.

None of the pending claims were rejected over prior art.

**EXAMINER INTERVIEW CONDUCTED**

The Applicants' representative, Ashok Mannava, spoke with Examiner Chen on 6/22/06 to get clarification on the Notice of Noncompliant Amendment indicating that the status identifier for the claims was incorrect. Examiner Chen indicated that the claims not elected must be identified as withdrawn. Mr. Mannava disagreed because the Response to Restriction filed April 20, 2006 elected with traverse and did not withdraw the claims. If Examiner Chen believes the restriction requirement is proper, Examiner Chen may withdraw the claims in the next office action. See MPEP section 821 (copy is enclosed) and 37 CFR 1.142.

Also, Examiner Chen clarified that the restriction requirement also included an election of species. In particular, Examiner Chen indicated that each of the species labeled as Groups A-C in the Office Action mailed 3/23/06 includes two sets of claims and that one of the sets must be elected by the Applicant for Group A. This is further addressed below.

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**Notice of Non-Compliant Amendment Improper**

The Applicants believe the Notice of Non-Compliant Amendment is improper and that all the claims were correctly identified as original. If Examiner Chen believes the restriction requirement is proper, Examiner Chen may withdraw the claims in the next office action. See MPEP section 821 (copy is enclosed) and 37 CFR 1.142.

**Election With Traverse**

During the interview, Examiner Chen indicated that the Applicants must select either claims 2, 16 and 24 or claims 3 and 17 from Group A. The Applicants believe that these claims belong to the same species identified as Group A in the election requirement.

The Applicants hereby elect with traverse Invention I and species Group A, which includes claims 1-2, 4-14, and 35-39.

In particular, Invention 1 includes claims 1-14 and 35-39 as specified in the restriction requirement, and species Group A includes elected claim set 2, 16 and 24 and also includes generic claims 1 and 35. The Applicants' also believe that Species Group A also includes claims 4-7, 9-13, 36, and 38, because these claims are not mentioned in the election of species requirement and they are believed to be in the same species as Group A and generic claims 1 and 35.

**Restriction Requirement**

The restriction requirement alleges that the application contains claims directed to the following inventions:

1. Claims 1-14 and 35-39

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- II. Claims 15-31
- III. Claims 32-34
- IV. Claims 40-46

As set forth above, The Applicants elect group I, claims 1-14 and 35-39.

**Improper Election of Species Requirement**

The election requirement alleges that the application contains claims directed to the following patentably distinct species of the claimed invention:

Group A, claims 2-3, 16-17, and 24

Group B, claims 8, 14, 20, 23, 37, and 39

Group C, claims 18-19

The election is made with traverse, because it is believed that all of the species can be examined at the same time without serious burden. MPEP Section 803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner **MUST** examine them on the merits, even though they include claims to independent or distinct inventions. Clearly there is no burden to examine claims 8, 14, 37, and 39, because a search of the claims of group A would encompass a search of claims 8, 14, 37, and 39. Accordingly, the Examiner is respectfully requested to examine all the claims of group I, claims 1-14 and 35-39, together.

In addition, Examiner Chen during the interview appeared to indicate that each species, labeled as Groups A-C includes two sets of claims. The Applicants believe that both sets of claims within each group may be examined without serious burden, because the search includes the same classes and subclasses.

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Also, by specifying two distinct claim sets within each Group, Examiner Chen has created two species within each group. Applicants request that Examiner Chen clarify that each claim set within each group is considered a distinct species. Otherwise, all the claims identified by Examiner Chen as belonging to Group A, whereby Group A is identified by Examiner Chen as a single species, must be examined. Thus, claims 2-3, 16-17, and 24 for Group A must be examined.

**Conclusion**

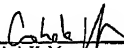
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: June 26, 2006

By

  
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